

U.S. Application No.: 09/009,327
Amendment B

Attorney Docket No. 3881.012

REMARKS

Applicant respectfully requests review and reconsideration of the Office Action of January 22, 1999, in view of the above amendments and the request for Continued Prosecution under C.F.R. §1.53(d). Further, in accordance with 37 CFR 1.125, Applicant submits herewith a substitute specification.

Under current practice, substitute specifications may be voluntarily filed by the Applicant, and substitute specifications will be accepted (see MPEP § 714.20) if Applicant submits therewith a marked-up copy which shows the portions of the original specification which are being added and deleted, and a statement that the substitute specification includes no new matter, and that the substitute specification includes the same changes as are indicated in the marked-up copy of the original specification showing additions and deletions. The substitute specification corresponds identically to the parent specification except that the matter indicated by the Examiner as **new matter** in the Office Action of January 22, 1999, has been deleted. Deletions are clearly indicated in the marked-up copy by lines drawn through the terms being deleted in the substitute specification. Additions are clearly indicated in the marked-up copy by penciled in terms which are augmented in the substitute specifications.

No new matter was included in the substitute specification wherein grammatical changes were made. No new matter is introduced by these amendments.

Accordingly, entry of the substitute specification is respectfully requested.

Furthermore, the present claims have been amended to clearly focus on the distinguishing features of the present invention - the reutilization of a plurality of modular containers by coupling the plurality of modular containers through frictional engaging pressure to create a variety of structures, wherein the containers may be coupled along the lateral walls and at the top and bottom of the modular containers. Support for the amendment to claim 1 may be found on page 5, line 8, page 4, line 22 and page 14, lines 12-13; claim 2 may be found on page 15, lines 18-21; claim 3 may be found on page 15, line 2; claim 21 may be found on page 14, lines 12-13; and claim 22 may be found on page 14, lines 12-13.

Now turning to the Office Action in greater detail, the paragraphing of the Examiner is adopted.

Paragraph 1,2 & 3

Applicant notes that claims 4-6, 13, 14, 23, and 26-32 are withdrawn from consideration based upon an election previously made. Further, Applicant notes that the Examiner finally rejected claims 1-3, 7-12, 15-22, and 24.

Paragraph 4

The Examiner rejected claims 1-3, 7-12, 15-22, and 24 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification. Specifically, the

U.S. Application No.: 09/009,327
Amendment B

Attorney Docket No. 3881.012

Examiner is of the opinion that the phrase "initial but not continuous pressure" is not supported by the original specification.

In response, applicant has amended claims 1, 21 and 22, deleting the phrase "initial but not continuous pressure". Further, claim 1 is amended to clearly define the modular container. Reconsideration of the section 112 rejection is respectfully requested.

Paragraph 5

The Examiner objected to the Abstract under 35 U.S.C. §132 for introducing new matter. The Examiner states that the phrase "initial but not continuous pressure," is not supported in the original specification.

In response, the applicant provided herewith an amended abstract. Withdrawal of this objection is respectfully requested.

Paragraph 6

The Examiner states that Applicant's argument of 10/30/98, in response to the rejection of claims 1-3, 7-12, 15-22, and 24 under 35 U.S.C. §103(a), as not persuasive.

Applicant respectfully traverses this rejection.

In response Applicant reminds the Examiner that the Applicant's containers are modular and structured to be first used for storage or transport of material, and secondly to be used for creating structures for use as living quarters, storage facilities and/or recreational buildings. Applicant's modular

containers are structured to be coupled together with an engaging pressure that will hold them in place continuously when used as the walls for various other structures.

The invention of Hasselman teaches stack containers that requires a pair of encircling bands (5 & 6) to hold the containers in place for moving from one location to another. Specifically, the bands are required to hold the containers in a 3-dimensional stacked orientation. Applicant's modular containers have salients and recesses that engage with pressure to allow stacking without the assistance of a band. Further, the bands require the use of an adhesive to maintain their position about the grouped containers. Applicant's invention does not require an adhesive to hold the modular containers in position when stacked to create the various structures.

In Applicant's review of Koelichen, it was noted that each container of the invention is designed to hold an ink for drawing by a pen. Applicant notes that the containers of Koelichen can be coupled for form various linear arrangements. Further, Applicant notes that the containers of Koelichen can not be stacked one on top of the other. The Examiner suggest that by combining the teaching of Hasselmann with that of Koelichen, one of ordinary skill would have developed Applicant's invention. To modify the substitute to the connectors of Koelichen for those of Hasselmann would not guarantee the creation of a modular container with the strength and durability of Applicant's modular containers.

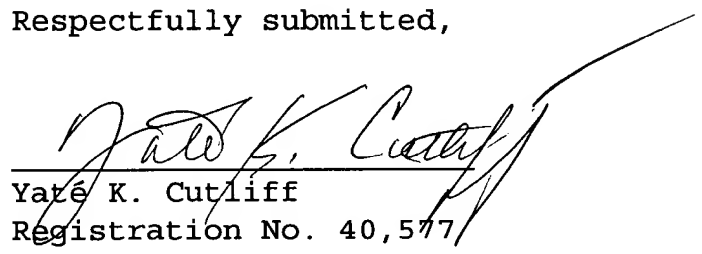
U.S. Application No.: 09/009,327
Amendment B

Attorney Docket No. 3881.012

Accordingly, withdrawal of the rejection is respectfully requested.

Applicant submits that the amended claim 1 is now in condition for allowance, and, as such, dependant claims 2-3 and 15-22 are allowable because they depend on claim 1. Early issuance of the Notice of Allowance is respectfully requested.

Respectfully submitted,



Yate K. Cutliff
Registration No. 40,577

PENDORF & CUTLIFF
Post Office Box 20445
Tampa, Florida 33622-0445
(813) 886-6085

Date: May 21, 1999